

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of California American Water Company (U 210 W) for an order authorizing it to increase its rates for water service in its Monterey District to increase revenues by \$9,456,100 or 32.88% in the year 2006; \$1,894,100 or 4.95% in the year 2007; and \$1,574,600 or 3.92% in the year 2008; and for an order authorizing sixteen Special Requests with revenue requirements of \$3,815,900 in the year 2006, \$5,622,300 in the year 2007, and \$8,720,500 in the year 2008; the total increase in rates for water service combined with the sixteen Special Requests could increase revenues by \$13,272,000 or 46.16% in the year 2006; 7,516,400 or 17.86% in the year 2007; and \$10,295,100 or 20.73% in the year 2008.

Application 05-02-012  
(Filed February 28, 2005)

In the Matter of the Application of California-American Water Company (U 210 W) for Authorization to Increase its Rates for Water Service in its Felton District to increase revenues by \$796,400 or 105.2% in the year 2006; \$53,600 or 3.44% in the year 2007; and \$16,600 or 1.03% in the year 2008; and for an order authorizing two Special Requests.

Application 05-02-013  
(Filed February 28, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING REOPENING RECORD, SETTING  
A HEARING SCHEDULE, AND PROVIDING AN EXTENSION OF TIME TO  
FILE COMMENTS ON THE PROPOSED SETTLEMENT**

On August 23, 2005, Felton Friends of Locally Owned Water (Felton FLOW) filed a petition under Rule 84 of our Rules of Practice and Procedure to set aside submission and reopen this proceeding for the taking of additional evidence. Felton FLOW asserts that these new documents were recently obtained from the California Department of Transportation in response to a Public Records Act Request and pertain directly to the costs, schedule delays, and the reasons for the substantial cost overruns California American Water Company (Cal-Am) experienced on its Highway 9 main replacement project. The documents are sponsored through a declaration by James F. Mosher, a witness in the proceeding.

On August 25, 2005, Cal-Am filed a response to the petition. Cal-Am asserts that Felton FLOW's petition does not meet the requirements of Rule 84 because the documents could have been produced prior to the close of hearings on August 17, 2005, are heresay, and the contents of the documents are grossly mischaracterized in Mosher's declaration. For these reasons, Cal-Am urges the Commission to summarily deny FLOW's petition.

Based on the filings, I find that FLOW's petition should be granted because the material is relevant to the contested issues in this proceeding and FLOW has provided an adequate reason for why these materials were not produced at the evidentiary hearing. The documents should be sponsored by Mosher and his testimony in the declaration should be subject to rebuttal and cross-examination.

Further, because the additional documents are relevant to an issue in the proposed settlement between Cal-Am and the Office of Ratepayer Advocates (ORA), an extension of time for filing comments on the settlement should be provided. Should Cal-Am and ORA decide to modify their proposed settlement

in response to these documents, any modifications should be filed and served at the same time as the rebuttal testimony and be at issue in the hearing.

**IT IS RULED** that:

1. Felton FLOW's August 25, 2005 petition to reopen the evidentiary record to receive additional evidence is granted.

2. An evidentiary hearing is scheduled for 10:00 a.m. on September 16, 2005 at the Commission's San Francisco hearing room at 505 Van Ness Avenue.

3. Rebuttal testimony by Cal-Am may be served by September 12, 2005.

4. Pursuant to Rule 51.4, this ruling finds good cause to grant a one week extension on comments on the proposed settlement. Comments should be filed on September 21, 2005 and reply comments on October 5, 2005.

5. New briefing dates will be set at the conclusion of hearings.

Dated September 1, 2005, at San Francisco, California.

/s/ Christine M. Walwyn

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Christine M. Walwyn  
Administrative Law Judge

## CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Reopening Record, Setting A Hearing Schedule, and Providing an Extension of Time to File Comments on the Proposed Settlement on all parties of record in this proceeding or their attorneys of record.

Dated September 1, 2005, at San Francisco, California.

/s/ Antonina V. Swansen  
Antonina V. Swansen

## N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.